IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 19TH SEPTEMBER 2007 / 28TH BHADRA 1929

Bail Appl..No. 5655 of 2007()

CRIME NO. 30/07 OF KONGAD POLICE STATION
AGAINST THE ORDER DATED 01/09/2007 IN CRMP. 3055 /2007 IN
CRMP.3056/2007 of DISTRICT COURT, PALAKKAD
CRMP.2760/2007 of J.M.F.C.-II,PALAKKAD

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PETITIONERS

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1. VIJAY @ KANNAN, S/O.AYYANAR, KUPPAI GATE, BANNARGATT, GIGINNI, BANGALORE.

2. RAMALINGAM, S/O.SANYASI, HOLY FARM LAYOUT, SAMUDAHALLI VILLAGE, BANGALORE.

BY ADV. SRI.C.D.DILEEP
SRI.B.SUBASH BABU

RESPONDENTS:

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1. S.I. OF POLICE, KONGAD POLICE STATION, PALAKKAD DISTRICT.

2. THE STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING BEEN FINALLY HEARD ON 19/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 5655 of 2007

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Dated this the 19th day of September, 2007

O R D E R

Application for regular bail. The petitioners are, learned Prosecutor submits, accused 6 and 5 respectively in a crime registered for offences punishable, inter alia, under Section 395 I.P.C. The alleged incident took place on 23.2.2007. The petitioners were arrested on 22.4.07 and 4.5.2007. They continue in custody.

2. The learned counsel for the petitioners submits, the learned Prosecutor does not controvert the said assertion and I am satisfied that the petitioners, who have remained in custody for a period exceeding 90 days now, are entitled to be released on bail under the proviso to Section 167(2) Cr.P.C., the final report having admittedly not been filed so far. The learned Prosecutor only prays that considering the nature of the allegations, appropriate and strict conditions may be imposed on the petitioners. The learned Prosecutor submits that the allegation is bank robbery. All the accused persons do not belong to this State and they are involved in other crimes also.

3. I find merit in the prayer of the learned Prosecutor that though the petitioners are not entitled for bail, appropriate conditions must be imposed.

4. In the result:

1) This application is allowed.

2) The petitioners shall be released on bail on the following terms and conditions.

(a) The petitioners shall execute bonds for Rs.1,00,000/- (Rupees one lakh only) each with two solvent sureties each for the like sum to be satisfaction of the learned Magistrate. In the peculiar facts and circumstances of this case, the learned Magistrate must scrupulously ensure that the sureties offered are sufficient and solvent.

(b) They shall make themselves available for interrogation before the Investigating Officer between 10 a.m. and 12 noon. on all Mondays, Wednesdays and Fridays until further orders.

© The petitioners shall not until further orders leave the jurisdiction of Kongad police station without the prior permission of the learned Magistrate.

(R. BASANT)
Judge

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